

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 2:22-cv-14342-KMM

Angelica Azeneth Cardozo,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ON REPORT AND RECOMMENDATION**

THIS CAUSE came before the Court upon Plaintiff's Unopposed Motion for Attorney Fees Under the Equal Access to Justice Act. ("Motion" or "Mot") (ECF No. 17). Therein, Plaintiff requests that the Court enter an order granting it \$640.87 to be paid to her attorney pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. *See* Mot. at 3. The matter was referred to the Honorable Ryon M. McCabe, United States Magistrate Judge. (ECF No. 18). On April 27, 2023, Magistrate Judge McCabe issued a Report and Recommendation, ("R&R") (ECF No. 19), recommending that the Motion be GRANTED. No objections to the R&R were filed, and the time to do so has now passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court "must consider *de novo* any objection to the magistrate judge's recommendation." Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files "a proper, specific objection" to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App'x 781,

784 (11th Cir. 2006). “It is critical that the objection be sufficiently specific and not a general objection to the report” to warrant *de novo* review. *Id.* Yet when a party has not properly objected to the magistrate judge’s findings, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Keaton v. United States*, No. 14-21230-CIV, 2015 WL 12780912, at \*1 (S.D. Fla. May 4, 2015); *see also Lopez v. Berryhill*, No. 17-CV-24263, 2019 WL 2254704, at \*2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge “evaluate[s] portions of the R & R not objected to under a clearly erroneous standard of review” (citing *Davis v. Apfel*, 93 F. Supp. 2d 1313, 1317 (M.D. Fla. 2000))).

In his Report and Recommendation, Magistrate Judge McCabe concludes that the fee award sought by Plaintiff’s counsel is reasonable based on the hours worked and tasks performed. *See id.* at 3. This Court agrees.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that Magistrate Judge McCabe’s R&R (ECF No. 19) is ADOPTED. Plaintiff’s Motion is GRANTED. Plaintiff is awarded \$640.87 in attorney’s fees, to be paid to Plaintiff’s counsel once the U.S. Department of the Treasury determines that Plaintiff owes no debt to the United States.

DONE AND ORDERED in Chambers at Miami, Florida, this 10th day of May, 2023.



K. MICHAEL MOORE  
UNITED STATES DISTRICT JUDGE

c: All counsel of record